

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Klinker, et al.**Application No. **10/735,589**Filed: **December 12, 2003**For: **Topology Aware Route Control**Conf. No.: **1734**Art Unit: **2154**Examiner: **Frantz B. Jean**

Mail Stop Issue Fee

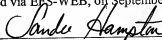
Commissioner for Patents

P.O. Box 1450

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## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being  
transmitted via EFS-WEB, on September 11, 2008.

  
Sandee Hampton

**REQUEST TO ACKNOWLEDGE  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

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Sir:

Responsive to the Notice of Allowance mailed August 21, 2008 in the patent application identified above, Applicants respectfully request that the Examiner acknowledge the Supplemental Information Disclosure Statement filed on April 4, 2008. A copy of the Supplemental Information Disclosure Statement, PTO Form SB/08A and Electronic Acknowledgement Receipt are attached hereto.

The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate the acknowledgement of the Supplemental Information Disclosure Statement.

Respectfully submitted,



Brenda O. Holmes, Reg. No. 40,339

KILPATRICK STOCKTON LLP

1100 Peachtree Street, Suite 2800

Atlanta, Georgia 30309-4530

404.815.6500

Attorney Docket No.: 52224/294509

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	Conf. No.: 1734
<b>Eric Klinker</b>	)	
	)	Art Unit: 2154
Appl. No.: 10/735,589	)	
	)	Examiner: Frantz Jean
Filed: December 12, 2003	)	
	)	
For: Topology Aware Route Control	)	

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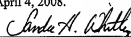
**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

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Sandee H. Whitley

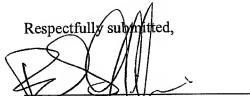
Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97 and 1.98), the patent publications listed on the attached PTO/SB/08 are submitted for consideration by the Examiner.

Submission of the references provided in this Supplemental Information Disclosure Statement are not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made, or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

As this Supplemental Information Disclosure Statement is being filed after the issuance of an office action on the merits, pursuant to 37 C.F.R. § 1.97(c)(2), the fee of \$180, as set forth in § 1.17(p), is transmitted herewith. The Commissioner is authorized to charge any additional fees due or credit any overpayments to Deposit Account No. 11-0855.

Respectfully submitted,



Ronald S. Griffin  
Reg. No. 57,975

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500

Attorney Docket No.: 52224/294509

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Substitute for form 1449A/PTO					
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10735589
				Filing Date	Dec 12, 2003
				First Named Inventor	KLINKER, ERIC
				Art Unit	2154
				Examiner Name	JEAN, FRANTZ
Sheet	1	of	4	Attorney Docket No: 52224-294509	

US PATENT DOCUMENTS					
Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2001/0021176	Sep 13, 2001	Mimura et al.	
		2002/0010765	Jan 24, 2002	Border	
		2002/0010792	Jan 24, 2002	Border et al.	
		2002/0105909	Aug 2, 2002	Flanagan et al.	
		2002/0105911	Aug 8, 2002	Pruthi et al.	
		2002/0110084	Aug 15, 2002	Butt et al.	
		2002/0141378	Oct 3, 2002	Bays et al.	
		2002/0145981	Oct 10, 2002	Klinker et al.	
		2002/0163884	Nov 7, 2002	Peles et al.	
		2002/0184393	Dec 5, 2002	Leddy et al.	
		2002/0186661	Dec 12, 2002	Santiago et al.	
		2002/057699	May 16, 2002	Roberts	
		2003/0002443	Jan 2, 2003	Basso et al.	
		2003/0012145	Jan 16, 2003	Bragg	
		2003/0016627	Jan 23, 2003	MeLampy et al.	
		2003/0074449	Apr 17, 2003	Smith et al.	
		2003/0076840	Apr 1, 2003	Rajagopal et al.	
		2003/0079005	Apr 24, 2003	Myers et al.	
		2003/0086422	May 8, 2003	Klinker	
		2003/0088529	May 8, 2003	Klinker	
		2003/0088671	May 8, 2003	Klinker et al.	
		2003/0118029	Jun 26, 2003	Maher et al.	
		2003/0133443	Jul 1, 2003	Klinker	
		2003/0214913A1	Nov 20, 2003	Kan, C. et al.	
		2004/0196787	Oct 7, 2004	Wang et al.	
		2004/0258226	Dec 23, 2004	Host	
		2007/0140128A1	Jun 21, 2007	Klinker, E. et al.	
		3801757	Apr 2, 1974	Carissimi et al.	
		5575676	Nov 19, 1996	Tsukakoshi et al.	
		5598532	Jan 28, 1997	Liron, M.	
		5724513	Mar 3, 1998	Ben-Nun et al.	
		5781534	Jul 14, 1998	Perlman et al.	
		5870561	Feb 9, 1999	Jarvis et al.	

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DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				Complete If Known	
				Application Number	10735589
				Filing Date	Dec 12, 2003
				First Named Inventor	KLINKER, ERIC
				Art Unit	2154
				Examiner Name	JEAN, FRANTZ
Sheet	2	of	4	Attorney Docket No: 52224-294509	

US PATENT DOCUMENTS					
Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5898668	Apr 27, 1999	Shaffer	
		5933425	Aug 3, 1999	Iwata	
		5953312	Sep 14, 1999	Crawley et al.	
		5974237	Oct 26, 1999	Shurmer, J. G., et al.	
		6047326	Apr 4, 2000	Kilkl	
		6047331	Apr 4, 2000	Medard et al.	
		6055571	Apr 25, 2000	Fulp et al.	
		6064677	May 16, 2000	Kappler et al.	
		6078957	Jun 20, 2000	Adelman, K A., et al.	
		6097699	Aug 1, 2000	Chen et al.	
		6154778	Nov 28, 2000	Koistinen et al.	
		6181679	Jan 30, 2001	Ashton et al.	
		6185635	Feb 6, 2001	O'Loughlin et al.	
		6213791	Apr 10, 2001	Kodama	
		6226751	May 1, 2001	Arrow et al.	
		6244880	Jun 12, 2001	Fukase et al.	
		6252848	Jun 26, 2001	Skimont	
		6256314	Jul 3, 2001	Rodrig et al.	
		6262976	Jul 17, 2001	McNamara	
		6292464	Sep 18, 2001	Elahmadi et al.	
		6363053	Mar 26, 2002	Schuster, G. M., et al.	
		6363056	Mar 26, 2002	Belgi et al.	
		6400681	Jun 4, 2002	Bertin et al.	
		6404769	Jun 11, 2002	Kapoor	
		6466984	Oct 15, 2002	Naveh et al.	
		6496477	Dec 17, 2002	Perkins, S. et al.	
		6549781	Apr 15, 2003	O'Byrne, V. A., et al.	
		6574195	Jun 3, 2003	Roberts	
		6625150	Sep 23, 2003	Yu, J. J.	
		6658457	Dec 2, 2003	Nishikawa et al.	
		6665702	Dec 16, 2003	Zisapel et al.	
		6678248	Jan 13, 2004	Haddock et al.	
		6690649	Feb 10, 2004	Shimada	

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right;"><i>Complete If Known</i></td> </tr> <tr> <td style="width: 50%;"><b>Application Number</b></td> <td>10735589</td> </tr> <tr> <td><b>Filing Date</b></td> <td>Dec 12, 2003</td> </tr> <tr> <td><b>First Named Inventor</b></td> <td>KLINKER, ERIC</td> </tr> <tr> <td><b>Art Unit</b></td> <td>2154</td> </tr> <tr> <td><b>Examiner Name</b></td> <td>JEAN, FRANTZ</td> </tr> </table>		<i>Complete If Known</i>		<b>Application Number</b>	10735589	<b>Filing Date</b>	Dec 12, 2003	<b>First Named Inventor</b>	KLINKER, ERIC	<b>Art Unit</b>	2154	<b>Examiner Name</b>	JEAN, FRANTZ
<i>Complete If Known</i>															
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US PATENT DOCUMENTS					
Examiner Initial *	Cite No	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6724722	Apr 20, 2004	Wang, Y. et al.	
		6728265	Apr 27, 2004	Yavatkar et al.	
		6738349	May 18, 2004	Cen, S.	
		6785237	Aug 31, 2004	Sufleta	
		6801502	Oct 5, 2004	Roxford et al.	
		6831890	Dec 14, 2004	Goldsack, P. et al.	
		6831893	Dec 14, 2004	Ben Nun et al.	
		6842783	Jan 11, 2005	Boivie et al.	
		6857025	Feb 15, 2005	Mariyama et al.	
		6904020	Jun 7, 2005	Love, S. et al.	
		6947379	Sep 20, 2005	Glechauf et al.	
		6954431	Oct 11, 2005	Roberts	
		7065482	Jun 20, 2006	Shorey, R. et al.	
		7164657	Jan 16, 2007	Phaal, P.	
		7222190	May 22, 2007	Klinker, E. et al.	
		7269157	Sep 11, 2007	Klinker, E. et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		WO-01/33805	May 10, 2001	SUN MICROSYSTEMS, INC.	
		WO-03/040874	May 15, 2003	NETVMG, INC.	
		WO-03/041342	May 15, 2003	NETVMG, INC.	
		EP-0974029	Oct 22, 1998	Limpkin et al.	
		EP-1570604	Sep 7, 2005	INTERNAP NETWORK SERVICES CORP	
		JP-2000/235824	Aug 29, 2000	HARNESS SYST TECH RES LTD	
		WO-2003/040947	May 15, 2003	NETVMG, INC.	
		WO-2004/056047	Jul 1, 2004	INTERNAP NETWORK	

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				Examiner Name	JEAN, FRANTZ
Sheet	4	of	4	Attorney Docket No: 52224-294509	

			SERVICES CORP		
	WO-98/46937	Oct 22, 1998	Limpkin et al.		

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
		LABOVITZ, et al., "Delayed Internet Routing Convergence", <u>IEEE</u> , vol. 9, no 3 June 2001, 293-306		

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	3109364
<b>Application Number:</b>	10735589
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1734
<b>Title of Invention:</b>	Topology aware route control
<b>First Named Inventor/Applicant Name:</b>	Eric Klinker
<b>Customer Number:</b>	23370
<b>Filer:</b>	Brenda Holmes/Sandee Whitley
<b>Filer Authorized By:</b>	Brenda Holmes
<b>Attorney Docket Number:</b>	52224/294509
<b>Receipt Date:</b>	04-APR-2008
<b>Filing Date:</b>	12-DEC-2003
<b>Time Stamp:</b>	20:18:22
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

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Payment Type	Credit Card
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	3855
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1	Applicant Arguments/Remarks Made in an Amendment	294509_Corr_Amend.pdf	285633 34297b334ca1cf743b6a68021f58cd74e2d9d8d	no	9
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	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Information Disclosure Statement Letter		1	2	
	Information Disclosure Statement (IDS) Filed		3	3	
Warnings:					
Information:					
3	NPL Documents	294509_ISR.pdf	358059 55ea90671d04eaa8b363375ca7481fc802ee6cc8	no	5
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	Information Disclosure Statement Letter		1	2	
	Information Disclosure Statement (IDS) Filed		3	6	
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Information:					
5	Foreign Reference	294509_WO0133805.pdf	1323999 194e67078d7556dc7e7c3c3375ea89ed4971cf434	no	37
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6	Foreign Reference	294509_WO03040874.pdf	4448979 abfacd9bb6f1ea84360747b324e07d0ad170ee2a	no	110
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7	Foreign Reference	294509_WO03041342.pdf	3163490 f363554a33264baf41354590059049e718 524171d5	no	78
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8	Foreign Reference	294509_EP0974029_WO98 46937.pdf	711136 d8968d71313bfb4c48c38a0421b1b3baa 4ca03370	no	19
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9	Foreign Reference	294509_EP1570604_WO20 04056047.pdf	7734086 3c2ec071597352a1de8489e6105e651 262ac288b	no	138
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<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			24872099		

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**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.